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ALAMEDA CONTRA COSTA TRANSIT DISTRICT  
OFFICE OF THE GENERAL COUNSEL  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Kirk M. Cooper, ) Case No.: C 06-06345 MHP  
Plaintiff, ) **STIPULATION AND [PROPOSED]**  
v. ) **ORDER MODIFYING JOINT CASE**  
Alameda Contra Costa County Transit ) **MANAGEMENT STATEMENT AND**  
District and Does 1-10, inclusive, ) **PROPOSED ORDER**  
Defendants. )  
)

PROCEDURAL HISTORY

On or about April 12, 2007, the Court referred the Parties to Early Neutral Evaluation (“ENE”) and assigned Ms. Greta Schnetzler as the ENE Evaluator. The parties have conducted two ENE sessions and have essentially agreed upon a settlement of disability retirement for plaintiff. The settlement must be approved by defendant AC Transit’s Retirement Board. The Retirement Board’s approval would entail allowing plaintiff to be reinstated to employee status for a 5-day window for the sole purpose of allowing him to apply for disability retirement as a “current employee.” Because plaintiff will be reinstated for a brief period, the parties need to coordinate the

1 dates of reinstatement and application submission closely, so that plaintiff's application is properly  
2 submitted and dated during the reinstatement period. The parties have encountered difficulties in  
3 coordinating these dates. Defendant's Retirement Board typically meets once a month. Since the  
4 Court approved counsel's earlier proposed stipulation, Plaintiff provided defendant with a copy of  
5 his relevant medical report from his treating physician in order to submit his disability retirement  
6 application to the board.

7 The Parties hoped to have defendant's Retirement Board hear this matter at their last meeting on  
8 April 14, 2008; however, the A/C Transit person responsible for returning plaintiff to active  
9 employment status failed to do so prior to the April 14, 2008, board meeting. Counsel for the parties  
10 continue to work diligently to accomplish the settlement which requires plaintiff's temporary rehire  
11 for the purpose of effecting his retirement. Counsel are confident this will be accomplished in the  
12 near future.

13 Because counsel are working on completing the administrative requirements to complete this  
14 settlement, counsel request that the current trial scheduled be cancelled and that the Court set this  
15 matter for further joint case management in September 2008. Counsel believe that this matter will  
16 be settled before that time and a notice of settlement will be filed with the court.

17 THE PARTIES RESPECTFULLY request that the court approve the above modification.

18 Dated: April 24, 2008 FRANKLIN EMPLOYMENT LAW GROUP

19  
20 By: \_\_\_\_\_ /s/  
21 Eugene T. Franklin  
Attorney For Plaintiff

22 Dated: April 24, 2008 ALAMEDA-CONTRA COSTS TRANSIT DISTRICT

23  
24 By: \_\_\_\_\_ /s/  
25 CATHLEEN A. WADHAMS  
Attorney for Defendant

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## ORDER

Good cause appearing, IT IS SO ORDERED that the Trial set for September 16, 2008, is cancelled. A Further Joint Case Management Conference is scheduled for September 8, 2008 at 3:00 p.m.

Dated: 4/25/2008

